

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

December 11, 2019

Chairman Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in the Conference Room L101 in the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. **PLEDGE OF ALLEGIANCE**

II. **ROLL CALL AND SEATING OF ALTERNATES**

Commissioners Present

Chairman Domenic Pane
Commissioner Anthony Claffey
Commissioner Michael Fox
Commissioner Garrett Havens
Commissioner David Lenares
Commissioner Stanley Sobieski
Commissioner Braverman-A (7:10)
Commissioner Thomas Gill-A
Commissioner Bryan Haggerty-A

Commissioners Absent

Commissioner Stephen Woods

Staff Present

Craig Minor, Town Planner
Andrew Armstrong, Asst. Town Planner/ZEO

Commissioner Haggerty was seated for Commissioner Woods

III. **APPROVAL OF AGENDA**

Craig Minor: There is an amended agenda on the table when you come in, which includes under New Business to discuss the old POCD. That is the only change.

IV. **PUBLIC PARTICIPATION** (For items not listed on the agenda; speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: I wasn't planning on coming tonight, but I had a phone call, special request that I show up, so I'm here, plus my daughter needed something at CVS, but I really wanted to come to welcome all of the new members and say a special thank you to have Commissioner Lenares come back to the table here, it's nice seeing his smiling face. I don't know if he will be smiling all of the time when I keep asking questions at the end of a meeting but we'll see how it goes. Thank you.

Chairman Pane: Anyone else? Any other public participation?
We will go to the Zoning Enforcement Officer's Report.

RECEIVED FOR RECORD
IN NEWINGTON, CT
2019 DEC 16 AM 11:29
Bryan O. Haggerty
Town Clerk

V. ZONING ENFORCEMENT OFFICER REPORT

Andrew Armstrong: Good evening everyone. Before I do the report, I have two new temporary signs to report. Verizon Wireless at 3680 Fenn Road and Lowe's at 3270 Berlin Turnpike is asking for a banner and one that was previous approved by this Commission at 3127 Berlin Turnpike for Connecticut Beverage Mart. With that, are there any questions on the report?

Chairman Pane: Let's take care of the temporary signs before we go into the zoning report. Does everybody understand the temporary permits?

Commissioner Claffey: The one for Lowe's, the banner.....

Andrew Armstrong: Until 12/24/2019.

The Commission approved the temporary signs requested by a unanimous vote.

Chairman Pane: Does anyone have any questions on the Zoning Officer's report?

Commissioner Claffey: 35 Main Street, that guy has been out there for four years.

Andrew Armstrong: I've been to the property a few times and gathered some information and now are trying to put the puzzle pieces together if you will, my next step will be to send them a letter and then speak to them about what is going on in terms of coming into compliance.

Commissioner Claffey: 584 Main Street, where is that? Past East Robbins?

Andrew Armstrong: No, it's actually on the north side, it's near D & D Automotive. Their attorney has requested to appeal that, on December 3rd and so we are in the process of scheduling that appeal. This home is located across the street from D & D. It's a residential home, but (inaudible)

Commissioner Sobieski: Andrew, real quick, I know there was information on Facebook about Lowe's, are we all straight with that?

Andrew Armstrong: Yes, they have applied for the banner. What occurred was, there were two prior complaints from a Commission member for banners on the site, earlier this year and then this time was the third time and I had already sent them the regulations prior to this, and they got a letter regarding the banner. As it turns out, the signs were something that they had been already approved for, and so the inflatables are compliant and they are as requested as the temporary sign.

Commissioner Sobieski: The reason I am asking is that I received a couple of phone calls on it, and I looked at Facebook and I saw that there was a remark by somebody on Facebook that the Town apologized. Is that true? I'm asking the question.

Chairman Pane: I'll take that question. I went out there after seeing it on Facebook and I reached out to Commissioner Woods and we thought that, I also reached out to the Zoning Enforcement Officer on that morning of the next day, and there was a little bit of a misunderstanding there. I went and talked to the manager of the store, and I told him that as long as he got the paper work to the Town he could go ahead and refocus things back out there, because we didn't want to wait, we thought it would be more business friendly to

approach him and talk to the manager, so that is what I did. I did touch base with the Zoning Enforcement Officer and he has since received the information from Lowe's.

Commissioner Sobieski: I don't want to keep hammering business, it's tough enough out there.

Chairman Pane: Absolutely.

Commissioner Sobieski: The other question I have, just asking a question in general, do you have a route that you follow, like every Monday, Wednesday and Friday. I know Commissioner Pane had asked that years ago, I was just wondering.....

Andrew Armstrong: Yes, I try to do most of the main roads including the turnpike two or three times a week at least. I also go to specific homes and follow up on various complaints. I try to get at least all of the major roads.....

Commissioner Sobieski: I'm really concerned with the turnpike because you know if you have something in the state right of way you can give them a call and have them give you a hand removing that.

Commissioner Claffey: I have a question on Beckers, 3311 Berlin Turnpike, are you talking about the temporary sign that they bolted to the front when they changed the company name? I'm kind of confused, I have never seen anything stuck in the ground. I've just seen the material out in front, and I didn't know if there was.....

Andrew Armstrong: The banner was the last remaining violation which they did get approved at the last TPZ meeting. They also had some items out for display but they are in compliance at this time.

Chairman Pane: Very good. Thank you very much.

VI. REMARKS BY COMMISSIONERS

None

VII. PUBLIC HEARING

A. Petition 40-19: Renewal of Special Permit #33-15; Child Care at 82 Candlewyck Drive, Agnieszka Haim, 82 Candlewyck Drive, Newington CT Owner/Applicant/Contact

Chairman Pane: Is the applicant here? Would you come forward?

Agnieszka Haim: My name is Agnieszka Haim and I would like to ask you to renew my permit for my day care.

Chairman Pane: I'll turn this over to the Town Planner to give us a brief report.

Craig Minor: Sure. The petition is for a day care in a home, and in fact, the regulations don't normally require an applicant to come back to the Commission to have it renewed, it's usually a staff process. When this one was originally approved back in 2013 there had been some concern by the neighbors as to the impact of parents dropping off their kids, parking on the street, access to driveways, and such, so the Commission when they approved it originally

stipulated that the applicant come back, have another public hearing, two years later, three years later, whatever, and be sure that there weren't any problems with it, which they did several years ago. There were no comments in opposition to renewing the permit, but it was renewed, but it was renewed again with the requirement that she come back to re-renew that once again there be a public hearing. This is why we are having a public hearing tonight. I asked the Zoning Enforcement Officer earlier today if there had been any complaints over the year about this operation and no, there had not been any.

Chairman Pane: Okay, so this is the second request.

Craig Minor: Exactly.

Chairman Pane: And there have been no complaints since 2013 since she began this?

Craig Minor: Correct.

Chairman Pane: Good, thank you. Can we remove that requirement?

Craig Minor: That's up to you. Special permits, you have a lot of latitude, you can approve with no expiration, then what the staff will do is after a year, the staff will monitor it and make sure that there are no problems, and then the staff will approve it again.

Commissioner Havens: How long is the approval?

Chairman Pane: Usually two years, we could extend it to four years, or we could remove it altogether completely.

Commissioner Lenares: Is that something we can remove, I mean, we have a history with it, there have been no problems, is that something that we can say we will leave it on staff and if there is an issue, staff will do it, bring it to our attention, but for her to come back every two years doesn't seem like it is business friendly.

Craig Minor: Right, if you approve it with no conditions, then the staff will take that to mean that staff will decide whether to renew it or not.

Commissioner Claffey: But if they have a violation within that, the next year, what is the procedure if you have no return date?

Craig Minor: That's why I think it would be good for the Commission to approve it with a condition that the staff, that the applicant approach the staff in two years, three years, whatever you want, for the staff to then renew it, and if we have received, if the staff has received complaints, then I will bring it to the Chairman's attention and the Chairman can advise me if he wants to bring it to the whole Commission.

Chairman Pane: But you don't do that to any of the other ones?

Craig Minor: Yes, the normal process is for the ZEO to monitor it.

Commissioner Claffey: So it would be, they come to you, and if there are no problems, you are just bringing it like Andrew does with a new temporary sign permit, hey, we are renewing XYZ, there have been no complaints, there is no need, and if there is an issue, then you bring it to our attention.

Commissioner Sobieski: Is this how we do all of the others?

Craig Minor: No it's not. This is unusual. Normally once the Commission approves a day care, at that point the regulations say that renewal will be handled by the staff. This was unique, this was approved when the Commission was concerned about parking and that is why the Commission imposed a special, unique condition that it come back to you for renewal and not to the staff.

Commissioner Sobieski: So my question is, since there haven't been any issues, in the last two year, why not just let the staff handle it. We don't want to segregate this from the rest of the daycares.

Chairman Pane: I agree Commissioner, and I think that is what some of the other Commissioners are agreeing to. This is a public hearing so I will turn it over to the public. Anyone wishing to speak in favor of this petition come forward. Anybody wishing to speak against this? Okay.

Commissioner Sobieski moved that the application be closed and moved to Old Business for action tonight. The motion was seconded by Commissioner Fox. The motion was unanimously approved with seven voting YEA.

VIII. APPROVAL OF MINUTES

Commissioner Sobieski moved to approve the minutes. The motion was seconded by Commissioner Havens. The motion was approved unanimously with seven voting YEA.

IX. NEW BUSINESS

A. Review Current POCD

Chairman Pane: I had the Planner put on there the review of the current POCD, not everybody has received the, all of the documents so the Town Planner is going to make sure that all of the Commissioners have all of the documents necessary and then we will talk about it. I'm going to ask the Town Planner to have it on our agenda for our first January meeting. So, if you could make yourself familiar with the old plan, and then with the new plan so we can start reviewing it, that would be good.

Commissioner Sobieski: There are no Petitions for Scheduling, so that is an open date, right?

Chairman Pane: Yes.

Commissioner Fox: I think on the Town Planner's report for the past couple of meetings, at my request I think it was, we talked about inclusionary housing, and I'm wondering if maybe after we take a look at the (inaudible) talk about that before we even, put something like that into the new POCD.

Chairman Pane: We can have a more in depth conversation about it, absolutely.

Commissioner Fox: Thank you.

Chairman Pane: You're welcome.

X. OLD BUSINESS

Chairman Pane: I'll entertain a motion for Petition 40-19.

Commissioner Sobieski moved to approve Petition 40-19 with no conditions. The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YEA.

Chairman Pane: The motion passes unanimously, congratulations and you are all set.

XI. PETITIONS FOR PUBLIC HEARING SCHEDULING

None

XII. TOWN PLANNER REPORT

Craig Minor: There are a couple of things I want to bring to the Commission's attention. First I want to advise the Commission that the Newington Ridge Preserve Home Owners Association has received a check for the performance bond so they can do the repairs to the road and the grading next spring.

Commissioner Claffey: So they are okay, we released the bond, and they are okay with the vacant lots and how they are positioned off, and pretty much separated, I mean, you just talked about the road and the grading, but there were other items on that list, I want to make sure it is all inclusionary.....

Craig Minor: The only thing we were concerned about was the road and the grading behind two of the units. The actual construction of some of the units that have been held up for years, that's between them and the Building Inspector.

The affordable housing moratorium, I'm sure the Commissioners know that the Town Council has decided to proceed with the request for a moratorium. At this point, the application packet isn't complete, there are some documents I still need to put together, I will then submit it to the Town Clerk, and I will file a couple of legal notices. If somebody submits a petition within twenty days, asking that there be a public hearing on this request, then there will be a public hearing conducted by the Town Council. The minutes of that public hearing would be included in the application packet.

I also mentioned in my memo that there is money, the Commission has budgeted money to do the affordable housing plan which in a sense has nothing to do with the affordable housing moratorium, rather this affordable housing plan is required, all towns are supposed to have one and this will be the Commission's way of addressing the shortage of affordable housing in Newington. First analyzing how much affordable housing there is, but also possibly suggesting places in the Zoning Regulations that could be amended to encourage more affordable housing on your terms as opposed to the literally invasive of the housing application that the Commission received last year which did not comply with our regulations. What would be good is for the Town to write new Zoning Regulations themselves which would encourage affordable housing on your terms, rather than on the affordable housing industry's terms, so we can work on that later this year.

Finally, I mentioned that there are a number of items in the Zoning Regulations that need to be fixed, some little things, I specifically avoided anything controversial which maybe I'll come back to at your next meeting. If the Commission has no objection, I will prepare an actual

draft of these four text (inaudible) and bring it to you for your next meeting to discuss, and then if the Commission wants to we can go right to the Public Hearing and referrals.

Commissioner Claffey: I have a question, on A through D, can you explain, just in a few minutes, don't belabor it, but A and B, like directional signs, what do you mean by directional signs?

Craig Minor: Literally, a sign with an arrow and maybe a word or two like parking or exit or something of that sort.

Commissioner Claffey: On the public roadways or....

Craig Minor: In parking lots. The zoning regulations only allow directional signs in the right of way, as long as the Police Department signs off on it, but it doesn't allow them anywhere else in the parking lot where they might actually be more useful. So....

Commissioner Claffey: So the Fenn Road Stop and Shop Plaza, near the Stop and Shop, they've got that main entry in, and right now there are no signs that tell you that you are at the base, by the stores, you're saying that right there you could have a sign placed that says, Exit?

Craig Minor: Yes.

Commissioner Claffey: But they are not anything other, they are not directional signs for stores or businesses, just purely how to get, traverse in and traverse out of a business complex.

Craig Minor: I understand your question, yes. These signs would not say, Burger King that way, no it would say, Parking that way, or Customer Pickup that way, information for....

Commissioner Claffey: Like the signs for Customer Pickup that are already installed.

Craig Minor: Those kind of signs, yes. Signs that are not advertising, but are information for motorists who are already there, driving around looking for the loading dock, that kind of sign.

Chairman Pane: This is good, to look at this, but I'm wondering if we should hold off just a little bit because we have so much on our plate with the 2020 Plan. What do you think Commissioners?

Commissioner Sobieski: Craig, they are called cardinal directional signs, you can use that so it's a little easier. That's what we used to use at DOT with the arrow pointing this way, with EXIT underneath. They are cardinal directional signs. This way you are not confusing them with anything, and yes you may very well be right to hold off on this a little, but you might just want to use that and go on the web page and see the DOT sign catalogue that is out there and see what a cardinal directional sign looks like, so there won't be any confusion.

Commissioner Claffey: the only question I have is, I have brought up over the past two years some issues that I have with the changing times, like how many cars are allowed, not allowed, ample parking, not ample parking, and I brought up specific issues on commercial vehicles. I think it is something good to look at, because if we let it go, I don't know if it is something to act on, but is there a way to like work it without, I hate coming here and saying, Oh, we have the POCD to do so we're going to put everything on the back burner, and then we are caught behind the eight ball after the POCD is done.

Chairman Pane: We have a very tight schedule with the POCD to comply with some deadlines and we will have some free time during the waiting period when the POCD gets sent to CRCOG and when it gets sent to the Council. So we will have some time in between then when we can schedule this. So, it's not going to be long, and the Planner can prepare everything for us, and maybe get it to us earlier to review.

Commissioner Claffey: What I'm asking is, if there are other items, to bring them, I mean this could go from a four item list to going deep.....

Craig Minor: I meant tonight. Tell me tonight if there are any others that you want, I wasn't planning on keeping this open for the Commissioners over the next six months for dribs and drabs.

Commissioner Claffey: I guess, I mean, I never heard anything about Item B, like have there been complaints coming in? We had this fight two years ago and we spent two and a half years fighting the parking problem on residential streets with commercial vehicles, and now we want to change that it seems.....

Craig Minor: No, not change anything.

Commissioner Claffey: But we have a specific, it took months, Mike D'Amato took months upon months to try to draft.....

Craig Minor: Right, this doesn't change anything. It puts two regulations that deal with the same thing that are in different places in the book into one place.

Commissioner Claffey: What I'm saying is, we changed the commercial to have one vehicle, that met all these stipulations, if you met A but you didn't meet C,D,E, you couldn't have a vehicle. If it was ten thousand pounds or more and had a back up alarm, and more than twelve wheels, but now it is saying someone could fit that requirement with Truck A for a vehicle for their business, and then they could come in with another vehicle.....

Craig Minor: Which is what the rules currently allow. The problem is the second one is buried somewhere else in the Zoning Regulations.

Chairman Pane: He's just trying to get everything in one area in the regulations.

Commissioner Claffey: We did omit that regulation when we changed the commercial vehicle regulation.

Craig Minor: No, actually it was added afterwards I think.

Commissioner Claffey: But it wasn't part of the original change, under ZEO D'Amato. I never remember seeing or hearing about you can have two commercial vehicles.

Craig Minor: You can have the second one by special permit.

Commissioner Claffey: But that wasn't in the list.....

Chairman Pane: I don't remember, but when he brings this all in to get it all in one area, you can review the topic at that time. You can talk about it then.

Commissioner Claffey: Well I guess I can't because he wants the items tonight.

Craig Minor: Additional items.

Chairman Pane: Any additional items.

Craig Minor: If the Commission is aware of any other revisions that should be made.

Chairman Pane: If there is any other additional items between now and the next meeting, let the Town Planner know.

Commissioner Fox: I agree Mr. Chairman that we have a lot on our plate, but the one question that I have, on B, is that I went to 3.22.C.1 and I remember talking about signage on trucks, the size of the trucks, I don't see, I know that there are a few around town that even the side yard, some may even be in the front yards, so I think we need to square that way also.

Craig Minor: I wasn't planning on re-visiting anything that the regs currently allow or prohibit, this is just organization.

Commissioner Claffey: The Commissioner who sat here, and he's not here tonight, Woods, said you can do one thing with a commercial vehicle in your backyard, but you can't have it in your front yard or side yard. An eighteen wheeler you can park in your backyard, but you can't have it in the front. Who the heck wants to park an eighteen wheeler, why should we allow eighteen wheelers in the backyard? I think this is a bigger item than what we are giving it at this time, that's all I'm saying. It's not like, oh, let's just change this to make it right, I think there are other problems, and I brought it up multiple times, and if gets addressed, it gets addressed, and if it doesn't.....

Chairman Pane: We'll look at the organization of it, and then I think the, as far as that one item is concerned, we'll have to get all the Commissioners familiar with what it is and then we can take it up at a later date. So between now and the next meeting, if there is something that you are concerned about, just let the Town Planner know.

Craig Minor: And I can take this out if the Commission thinks that the issue with commercial vehicles deserves more attention than just the housekeeping thing that I requested. I can leave it off if you would like.

XIII. COMMUNICATIONS

Commissioner Sobieski: I believe that I did send out the last CRCOG thing to everybody, okay, just want to make sure that that went out. Thank you.

XIV. PUBLIC PARTICIPATION (For items not listed on the agenda; speakers limited to two minutes.)

Rose Lyons, 46 Elton Drive: Anybody new here, don't be fooled by the shortness of this meeting, it's not normally like this. Be prepared because they are a lot longer. If you see more than Gail, myself, Carol, and Barbara in the audience, you know that there is a long agenda ahead of you, but in all seriousness thank you all for giving your time and I wish you a Happy Holiday and Happy New Year.

On another note, there is a lot of chatter on Facebook about businesses in town, an issue with Lowe's and things like that. I know that the, that you have the right to speak and say what we have to say, but I'm hoping that there is some way that through the administrators of these Facebook pages, or someone can do something about cutting these conversations

short. There was a negative comment about a new business in town, there were 491 comments. Granted, most of them were good ones, but people just see the initial post and they don't go through the whole thing. I don't know what the answer is, I know that Facebook is the new way to communicate, but seeing what happened over the weekend to two different businesses, what does it say about Newington? If someone is looking to come to Newington and they go a Facebook page and they see all of this negativity, it's not good for anybody. I think no matter what party you belong to, or what your thoughts are, agree with me, don't agree with me, what we are looking to do is to promote Newington, not to knock it down and tear it apart, so with that, I'll say thank you and again, Happy Holidays.

Chairman Pane: Is there any further public participation?

XV. REMARKS BY COMMISSIONERS

Commissioner Sobieski: I forgot to e-mail you the rotary issue information about Barbour Road and Fenn. I did give a copy to Craig a while ago, he has it. If he wants to scan it and send it to all of the Commissioners as to when the rotary was taken out, how it was taken out. It was taken out because the Town of Newington went to the DOT and asked for a construction project to remove it and widen Fenn Road which is what the DOT did under Compass, it was called. A lot of things happen over the years where the Town has asked the State to come in for projects, Maple Avenue is one of them, Church Street is a different project, they were all done under what they call (inaudible). Thank you.

Commissioner Fox: I just want to congratulate you Chairman Pane, Commissioner Claffey and our new Secretary, to welcome the new members.

Commissioner Claffey: Where are we Mr. Minor on any action you may have on the Cedar Street property, the affordable housing? Have we been kept in the loop?

Craig Minor: The last contact I had with the principals of Dakota, they were focusing their efforts on getting their tax credits, and they weren't working on the sidewalk issue, but now that the application has been submitted, there is no reason for them not to resume pursuing the sidewalk issue. I remind them that they promised, to use a naïve word, but they promised to keep us involved with that. I will remind them.


XVI. CLOSING REMARKS BY THE CHAIRMAN

Chairman Pane: I want to thank everybody for the nomination of Chairman, I appreciate it. I want to welcome all of the new members and I think that moving forward that we need to be very considerate of our regulations to be a little more business friendly, so we will be going over that with some of our regulations and our signs. Rose had a comment about Facebook, we can't control Facebook, but we can try to do the best we can here and be business friendly.

XVII. ADJOURN

Commissioner Fox moved to adjourn the meeting. The motion was seconded by Commissioner Sobieski. The meeting was adjourned at 7:35 p.m.

Respectfully submitted,


Norine Addis, Recording Secretary